

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

vs.

ANTHONY J. ALIUCCI,

Defendant.

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Criminal No. 08-69

**HEARING ON - SENTENCING**

Before Judge Nora Barry Fischer

Shaun E. Sweeney, AUSA

Anthony M. Bittner, Esquire

Appear for USA

Appear for Defendant

Probation - Diane Restivo

Postal Inspector: Staci Johnson

Hearing begun 4/8/09 at 9:40 a.m.

Hearing adjourned to \_\_\_\_\_

Hearing concluded 4/8/09 at 12:15 p.m.

Stenographer : R. Ford  
Clerk: J. Galovich

**WITNESSES:**

For Government

For Defendant

1) David Kearney (4/8/09)

2) Staci Johnson (4/8/09)

Counsel enters their appearance; Court details background of case; Court admits Govt. Ex. 1 (Stipulation as to Restitution) into evidence; Oath administered to defendant; Court asks defendant questions re: Presentence Report, Addendum & Tentative Findings, defendant answers & understands; Court remarks on Guidelines and Booker/Gall/Gunter decisions; Court notes that parties have no further objections to Presentence Report; Court makes additional findings on the record (based upon victim impact statements/letters submitted to the Court); Court adopts the Presentence Report & addendum, except as otherwise set forth in the Court's Tentative Findings & Rulings; Court hears testimony of Mr. Kearney, Ms. Johnson; Court hears counsels' remarks regarding application of enhancements; Court makes additional findings regarding testimony; Court affirms its previous decision regarding enhancements' applicability; Court adopts its Tentative Findings & Rulings as its Final Findings and Rulings; Defendant makes statement to the Court; Court hears counsel's positions regarding aspects of Sentence; Sentence Imposed: Forty-eight (48 ) months imprisonment w/recommendations more fully stated in Judgment; Three (3) years' Supervised Release w/standard and additional conditions; Restitution ordered in the amount of \$1,342,293.00 (Interest waived) (payments details stated more fully in Judgment); Fine waived; \$100.00 Special Assessment was paid by defendant on 11/26/08; Court states its reasons for imposition of Sentence; Court grants Government's Motion to Dismiss Counts 2 and 3 of the Indictment; Court grants request that Exhibits not be posted on CM/ECF; Court advises defendant of right to appeal; Defendant permitted to self-report for imprisonment to designated facility. Defendant to report 7/7/09 unless defendant otherwise advised to report to a facility at an earlier date by the Bureau of Prisons.